

Gateway Determination

Planning proposal (Department Ref: PP-2025-1886): Various housekeeping amendments to Port Macquarie-Hastings Local Environmental Plan 2011

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Macquarie-Hastings Local Environmental Plan 2011 to undertake various housekeeping amendments should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before (9) nine months from the date of the Gateway determination.

Gateway Conditions

1. Prior to community and agency consultation, the planning proposal is to be updated to:
 - (a) amend item 3 to remove proposed subclause 3(b) and replace with the entire clause with a 'plain English' explanation of the intent and clarify the zones to which the clause is to apply;
 - (b) amend item 4 to remove the draft provision and replace with a 'plain English' explanation of the intent of the clause that does not prohibit land uses inconsistent with the Standard Instrument;
 - (c) provide a current and proposed land zoning map and minimum lot size map for item 5. The proposed minimum lot size should reflect Council's intent for future potential subdivision of the land;
 - (d) provide a current and proposed minimum lot size map for items 13 and 15;
 - (e) provide a current and proposed minimum lot size map and height of buildings map for item 10 and replace reference of IN1 General Industrial zone with E4 General Industrial zone;

- (f) amend item 11 to clarify the application area of the C2 Environmental Conservation zone and provide an updated zoning map that retains the RU1 Primary Production zone over the existing structures and northern portion of the site consistent with the koala plan of management;
 - (g) Provide a current and proposed minimum lot size map, height of buildings map and floor space ratio map for items 11 and 12;
 - (h) Clarify that the lots to be rezoned in amendment 14 have been acquired by and are currently owned by Council;
 - (i) correctly reference the C3 Environmental Management zone in item 19;
 - (j) include a proposed Additional Permitted Uses Map for item 20; and
 - (k) Update all items where necessary to include current property details (lots and DPs)
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Transport for NSW
 - NSW National Parks and Wildlife Service
 - Department of Primary Industries and Regional Development – Fisheries
 - NSW Resources
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 31 October 2025



Craig Diss
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Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces